

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	
v.)	No. 2:09-CR-101
)	
JOHN F. RAFFA, IV)	

MEMORANDUM AND ORDER

This criminal case is before the court on the defendant's motion for a continuance of the trial [doc. 243]. The defendant states that a witness with exculpatory evidence is not yet available because that witness's own criminal charges have not been resolved, and a crucial piece of evidence related to the money laundering charge has not been received by the government. The government has filed a response [doc. 245] and objects to the continuance. The government argues that Western Union has not yet complied with the subpoena for a copy of the "Money Gram" at issue, and it will be provided to the defendant as soon as it is available. The government also argues that a defendant has no right to continuance just because a co-defendant has not entered a plea of guilty. Finally, the government suggests that if the court is inclined to continue the trial, that this defendant's indictment be joined with a companion case involving the same

conspiracy. The government argues that this would promote judicial economy and avoid a duplication of trials.

The court finds the defendant's motion well taken, and it will be granted. The court finds that the ends of justice served by granting the motion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The court finds that the failure to grant the motion would deny the defendant a necessary exculpatory witness and a document that may or may not be crucial to his defense on the money laundering charges. 18 U.S.C. § 3161(h)(7)(B)(iv). The defendant's motion requires a delay in the proceedings, therefore, all the time from the filing of the defendant's motion to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A).

The court agrees with the government, however, that joining this defendant's case with the remaining defendants in case no. 2:09-cr-84 is reasonable. Therefore, it is hereby **ORDERED** that the defendant's motion is **GRANTED**, and this criminal case is **JOINED** with case no. 2:09-cr-84 to be tried on Thursday, **September 2, 2010, at 9:00 a.m.** The new plea cutoff date is August 19, 2010.

ENTER:

s/ Leon Jordan
United States District Judge